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ROBIN AND CHAMPAGNE  
1725 K STREET NW SUITE 1111  
WASHINGTON DC 20006

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EXAMINER

DARROW, J

ART UNIT

PAPER NUMBER

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5

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/023,672

Applicant(s)

Scheidt et al.

Examiner

Justin T. Darrow

Group Art Unit

2767



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-69 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-69 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 13 Feb 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. Claims 1-69 have been examined.

#### *Drawings*

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
4. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 32, 33, 34, 35, 36, 38, 67, 68, and 69 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hirsch, U.S. Patent No. 5,276,738.

As per claims 1, 35, and 66, Hirsch discloses a cryptographic key split combiner, a process for combining, and a key formed by the process comprising: a plurality of key split

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generators for generating cryptographic key splits (see column 1, lines 57-67); and a key split randomizer for randomizing the cryptographic key splits to produce a cryptographic key (see column 1, lines 54-57); in which each of the key split generators includes means for generating key splits from seed data (see column 1, lines 49-54).

As per claims 2 and 36, Hirsch further teaches that the plurality of key split generators includes a random split generator for generating a random key split based on reference data (see column 2, lines 55-58).

As per claims 4 and 38, Hirsch then suggests that the random split generator includes means for generating a pseudorandom sequence based on the reference data (see column 2, lines 23-29).

As per claims 32 and 67, Hirsch moreover discusses that the cryptographic key is a stream of symbols (see column 4, lines 33-44).

As per claims 33 and 68, Hirsch next describes that the key is at least one symbol block (see column 4, lines 38-40).

As per claims 34 and 69, Hirsch subsequently specifies that the cryptographic key is a key matrix (see column 2, lines 5-7).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 as applied to claim 2 above, and further in view of Albert et al., U.S. Patent No. 5,627,894.

Hirsch teaches the cryptographic key split combiner and process of combining of claim 2. Although he describes that the random key split generator includes means for generating a pseudorandom sequence based on reference data (see column 2, lines 23-29), he does not explicitly mention generating a random sequence. Albert et al. specify generating a random sequence (see column 1, lines 51-67 and column 2, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with generating a random sequence of Albert et al. to increase the quality of random numbers with respect to their predictability and their functional link (see column 1, lines 66-67 and column 2, lines 1-2).

9. Claims 5 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 as applied to claim 2 above, and further in view of Thomlinson et al., U.S. Patent No. 5,778,069.

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Hirsch teaches the cryptographic key split combiner and process of combining of claim 2. However, he does not explicitly show chronological data. Thomlinson et al. disclose generating a key split based on reference data and on chronological data (see column 3, lines 16-23). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with generating a key split based on chronological data of Thomlinson et al. to ensure unguessability (see column 3, lines 2-7).

10. Claims 6, 7, 9, 10, 11, 13, 14, 15, 16, 40, 41, 43, 44, 45, 47, 48, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 as applied to claim 2 above, and further in view of Ming et al., U.S. Patent No. 5,710,815.

As per claims 6 and 40, Hirsch explain the cryptographic key split combiner and process of combining of claim 2. However, he does not explicitly delineate static data. Ming et al. discuss generating a key split based on reference data and on static data (see column 4, lines 4-7). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with generating a key split based on static data of Ming et al. for implementation of viewer access restrictions (see column 7, lines 3-10).

As per claims 7 and 41, Ming et al. further disclose a means of updating the static data (see column 4, line 8). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner

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and process of combining of Hirsch with updating static data of Ming et al. for synchronizing a first pseudo-random number generator within a transmitting unit and a second pseudo-random number generator within a receiving unit (see column 3, lines 65-67 and column 4, lines 1-4).

As per claims 9 and 43, Ming et al. then discuss a token split generator for generating a token key split based on label data (see column 6, lines 26-29; column 5, lines 65-67; and column 6, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with the token split generator of Ming et al. for implementation of viewer access restrictions (see column 7, lines 3-10).

As per claims 10 and 44, Ming et al. moreover suggest reading the label data from a storage medium (see column 7, lines 11-22). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with reading the label data from a storage medium of Ming et al. for implementation of viewer access restrictions (see column 7, lines 3-10).

As per claims 11 and 45, Ming et al. next describe that the label data includes user authorization data (see column 7, lines 22-25). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with user authorization

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data as label data of Ming et al. for implementation of viewer access restrictions (see column 7, lines 3-10).

As per claims 13 and 47, Ming et al. also illustrate a means for generating a pseudorandom sequence based on label data (see column 13, lines 45-50; figure 2, items 113-115; and column 14, lines 39-44). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with the means for generating a pseudorandom sequence based on label data of Ming et al. for implementation of viewer access restrictions (see column 7, lines 3-10).

As per claims 14 and 48, Ming et al. subsequently specify the means for generating a key split based on label data and on organization data (see column 6, lines 26-29 and lines 59-65; column 5, lines 65-67; and column 6, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with the means for generating a key split based on label data and on organization data of Ming et al. for implementation of viewer access restrictions (see column 7, lines 3-10).

As per claims 15 and 49, Ming et al. then suggest a means for generating a key split based on the label data and on static data (see column 4, lines 4-7). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with the



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means for generating a key split based on the label data and on static data of Ming et al. for implementation of viewer access restrictions (see column 7, lines 3-10).

As per claims 16 and 50, Ming et al. moreover describe a means for updating the static data. Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with the means for updating the static data of Ming et al. for synchronizing a first pseudo-random number generator within a transmitting unit and a second pseudo-random number generator within a receiving unit (see column 3, lines 65-67 and column 4, lines 1-4).

11. Claims 8 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 in view of Ming et al., U.S. Patent No. 5,710,815 as applied to claim 7 above, and further in view of Anshel et al., U.S. Patent No. 5,751,808.

Hirsch in view of Ming et al. teaches the cryptographic key split combiner and process for combining of claim 7. Ming et al. describe modifying a divisor of the static data (see column 4, lines 18-20). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Ming et al. with modifying a divisor of the static data of Ming et al. for synchronizing a first pseudo-random number generator within a transmitting unit and a second pseudo-random number generator within a receiving unit (see column 3, lines 65-67 and column 4, lines 1-4). However, Ming et al. do not specify that this value is a prime divisor. Anshel et al. show modifying a prime divisor of the static data (see column 11, lines 8-

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25 and figure 8, item 71). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Ming et al. with modifying a prime divisor of the static data of Anshel et al. to generate a cryptographically secure sequence at high speed (see column 1, lines 11-12).

12. Claims 12 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 in view of Ming et al., U.S. Patent No. 5,710,815 as applied to claim 7 above, and further in view of Albert et al., U.S. Patent No. 5,627,738.

Hirsch in view of Ming et al. teach the cryptographic key split combiner and process for combining of claim 9. Ming et al. illustrate a means for generating a pseudorandom sequence based on label data (see column 13, lines 45-50; figure 2, items 113-115; and column 14, lines 39-44). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Ming et al. with generating a pseudorandom sequence based on label data of Ming et al. for implementation of viewer access restrictions (see column 7, lines 3-10). However, neither Hirsch nor Ming et al. specify that this is a random sequence. Albert et al. elaborate on generating a random sequence (see column 1, lines 51-67 and column 2, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Ming et al. with generating a random sequence of Albert et al. to increase

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the quality of random numbers with respect to their predictability and their functional link (see column 1, lines 66-67 and column 2, lines 1-2).

13. Claims 17 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 in view of Ming et al., U.S. Patent No. 5,710,815 as applied to claim 7 above, and further in view of Anshel et al., U.S. Patent No. 5,751,808.

Hirsch in view of Ming et al. teach the cryptographic key split combiner and process for combining of claim 16. Ming et al. describe modifying a divisor of the static data (see column 4, lines 18-20). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Ming et al. with modifying a divisor of the static data of Ming et al. for synchronizing a first pseudo-random number generator within a transmitting unit and a second pseudo-random number generator within a receiving unit (see column 3, lines 65-67 and column 4, lines 1-4). However, Ming et al. do not specify that this value is a prime divisor.

Anshel et al. show modifying a prime divisor of the static data (see column 11, lines 8-25 and figure 8, item 71). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Ming et al. with modifying a prime divisor of the static data of Anshel et al. to generate a cryptographically secure sequence at high speed (see column 1, lines 11-12).

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14. Claims 18, 20, 21, 22, 23, 24, 52, 54, 55, 56, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 as applied to claim 1 above, and further in view of Anshel et al., U.S. Patent No. 5,751,808.

As per claims 18 and 52, Hirsch teaches the cryptographic key split combiner and process for combining of claim 1. However, he does not describe maintenance data. Anshel et al. discuss a console split generator for generating a console key split based on maintenance data (see column 8, lines 8-15). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with generating a console key split based on maintenance data of Anshel et al. for simple and highly secure authentication (see column 8, lines 8-9).

As per claims 20 and 54, Anshel et al. then describe a means for generating a pseudorandom sequence based on maintenance data (see column 8, lines 8-15). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with a means for generating a pseudorandom sequence based on maintenance data of Anshel et al. for simple and highly secure authentication (see column 8, lines 8-9).

As per claims 21 and 55, Anshel et al. further specify generating a key split based on previous maintenance data and on current maintenance data (see column 8, lines 26-27). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining

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of Hirsch with generating a key split based on previous maintenance data and on current maintenance data of Anshel et al. for simple and highly secure authentication (see column 8, lines 8-9).

As per claims 22 and 56, Anshel et al. moreover mention generating a key split based on the maintenance data and on static data (see column 8, lines 16-22). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with generating a key split based on maintenance data and on static data of Anshel et al. for simple and highly secure authentication (see column 8, lines 8-9).

As per claims 23 and 57, Anshel et al. subsequently delineate a means for updating the static data (see column 8, lines 8 and 26-27). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with updating the static data of Anshel et al. to generate a cryptographically secure sequence at high speed (see column 1, lines 11-12).

As per claims 24 and 58, Anshel et al. next illustrate updating the static data includes modifying a prime number divisor of the static data (see column 11, lines 8-25 and figure 8, item 71). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of

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combining of Hirsch with modifying a prime number divisor of the static data of Anshel et al. to generate a cryptographically secure sequence at high speed (see column 1, lines 11-12).

15. Claims 19 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 in view of Anshel et al., U.S. Patent No. 5,751,808 as applied to claim 18 above, and further in view of Albert et al., U.S. Patent No. 5,627,738.

Hirsch in view of Anshel et al. disclose the cryptographic key split combiner and process of combining of claim 18. Anshel et al. describe a means for generating a pseudorandom sequence based on maintenance data (see column 8, lines 8-15). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Anshel et al. with a means for generating a pseudorandom sequence of Anshel et al. for very simple and highly secure authentication (see column 8, lines 8-9). However, they do not explicitly teach a random sequence. Albert et al. specify a random sequence (see column 1, lines 51-67 and column 2, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Anshel et al. with a means for generating a random sequence of Albert et al. to increase the quality of random numbers with respect to their predictability and their functional link (see column 1, lines 66-67 and column 2, lines 1-2).

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16. Claims 25, 27, 28, 29, 30, 31, 59, 61, 62, 63, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 as applied to claim 1 above, and further in view of Tomko et al., U.S. Patent No. 5,541,994.

As per claims 25 and 59, Hirsch teaches the cryptographic key split combiner and process of combining of claim 1. However, he does not suggest generating a biometric key split based on biometric data. Tomko et al. elaborate on a biometric split generator for generating a biometric key split based on biometric data (see column 2, lines 2-20). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with a biometric split generator for generating a biometric key split based on biometric data of Tomko et al. to have secure, yet readily available private key (see column 1, lines 58-60).

As per claims 27 and 61, Tomko et al. further disclose a means for generating a pseudorandom sequence based on the biometric data (see column 2, lines 2-12). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with a means for generating a pseudorandom sequence based on the biometric data of Tomko et al. to have secure, yet readily available private key (see column 1, lines 58-60).

As per claims 28 and 62, Tomko et al. next delineate a means for generating a key split based on biometric data vectors and on biometric combiner data (see column 3, lines 56-67). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the

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invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with a means for generating a key split based on biometric data vectors and on biometric combiner data of Tomko et al. to have secure, yet readily available private key (see column 1, lines 58-60).

As per claims 29 and 63, Tomko et al. moreover explain a means for generating a key split based on biometric data and on static data (see column 3, lines 56-67). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with a means for generating a key split based on biometric data and on static data of Tomko et al. to have secure, yet readily available private key (see column 1, lines 58-60).

As per claims 30 and 64, Tomko et al. then illustrate updating the static data (see column 7, lines 33-39 and figure 1, items 43 and 44). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with updating the static data of Tomko et al. for enrolling an individual (see column 7, lines 33-36).

As per claims 31 and 65, Tomko et al. further elaborate on the means for updating the static data includes means for modifying a prime number divisor of the static data (see column 7, lines 45-67 and column 8, lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch with a means for modifying a prime number



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divisor of the static data of Tomko et al. so that the subscriber can later reproduce the static data (see column 8, lines 22-24).

17. Claims 26 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch, U.S. Patent No. 5,276,738 in view of Tomko et al., U.S. Patent No. 5,541,994 as applied to claim 25 above, and further in view of Albert et al., U.S. Patent No. 5,627,738.

Hirsch in view of Tomko et al. disclose the cryptographic key split combiner and process of combining of claim 25. Tomko et al. discuss a means for generating a pseudorandom sequence based on the biometric data (see column 2, lines 2-12). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Tomko et al. with a means for generating a pseudorandom sequence based on the biometric data of Tomko et al. to have secure, yet readily available private key (see column 1, lines 58-60). However, they do not explicitly teach a random sequence. Albert et al. specify a random sequence (see column 1, lines 51-67 and column 2, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the cryptographic key split combiner and process of combining of Hirsch in view of Tomko et al. with a means for generating a random sequence of Albert et al. to increase the quality of random numbers with respect to their predictability and their functional link (see column 1, lines 66-67 and column 2, lines 1-2).

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***Telephone Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (703) 305-3872.

The examiner can normally be reached Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod R. Swann, can be reached at (703) 308-7791.

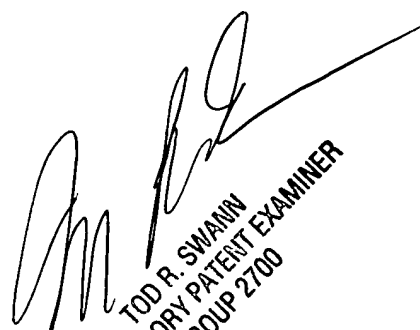
The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Justin T. Darrow

September 27, 1999



TOD R. SWANN  
SUPERVISORY PATENT EXAMINER  
GROUP 2700